

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 635
92ND GENERAL ASSEMBLY

Reported from the Committee on Economic Development, Tourism and Local Government, March 13, 2003, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Senate Committee Substitute adopted April 1, 2003.

Taken up April 1, 2003. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

2015S.02P

AN ACT

To repeal sections 33.752, 207.060, 302.137, 650.005, and 660.010, RSMo, and to enact in lieu thereof five new sections relating to the reorganization of executive branch departments.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 33.752, 207.060, 302.137, 650.005, and 660.010, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 33.752, 207.060, 302.137, 650.005, and 660.010, to read as follows:

33.752. 1. There is hereby established the "Missouri Minority Business Advocacy Commission". The commission shall consist of nine members:

- (1) The director of the department of economic development;
 - (2) The commissioner of the office of administration;
 - (3) Three minority business persons, appointed by the governor, one of whom shall be designated chairman of the commission;
 - (4) Two members of the house of representatives appointed by the speaker of the house of representatives;
 - (5) Two members of the senate appointed by the president pro tempore of the senate.
- No more than two of the three members appointed by the governor may be of the same political party. Appointed members of the commission shall serve four-year terms, except that of the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

initial appointments made by the governor, one shall be for a two-year term, one shall be for a three-year term and one shall be for a four-year term. A vacancy occurs if a legislative member leaves office for any reason. Any vacancy on the commission shall be filled in the same manner as the original appointment.

2. The department of economic development and the office of administration shall develop a plan to increase procurements from minority businesses by all state departments and submit that plan to the governor by July, 1994.

3. Each member appointed by the governor shall receive as compensation a per diem of up to thirty-five dollars for each day devoted to the affairs of the commission and be reimbursed for his actual and necessary expenses incurred in the discharge of his official duties.

4. Each legislative member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim committees. The allowances specified in this subsection shall be paid from the amounts appropriated for that purpose.

5. The commission shall meet at least three times each year and at other times as the chairman deems necessary.

6. The duties of the commission shall include, but not be limited to, the following:

- (1) Identify minority businesses in the state;
- (2) Assess the needs of minority businesses;
- (3) Initiate aggressive programs to assist minority businesses in obtaining state contracts and federal agency procurements;
- (4) Give special publicity to procurement, bidding, and qualifying procedures;
- (5) Include minority businesses on solicitation mailing lists;
- (6) Make recommendations regarding policies, programs and procedures to be implemented by the commissioner of the office of administration;
- (7) Prepare and maintain timely data on minority business qualified to bid on state and federal procurement projects;
- (8) Prepare a review of the commission and the various affected departments of government to be submitted to the governor and the general assembly on March first and October first of each year, evaluating progress made in the areas defined in this subsection;
- (9) Provide a focal point and assist and counsel minority small businesses in their dealings with federal, state and local governments regarding the obtaining of business licenses and permits, including, but not limited to, providing ready access to information regarding government requirements which affect minority small business;
- (10) Analyze current legislation and regulation as it affects minority business for the purpose of determining methods of elimination or simplification of unnecessary regulatory requirements;

- (11) Assist minority businesses in obtaining available technical and financial assistance;
- (12) Initiate and encourage minority business education programs, including programs in cooperation with various public and private educational institutions;
- (13) Receive complaints and recommendations concerning policies and activities of federal, state and local governmental agencies which affect minority small businesses, and develop, in cooperation with the agency involved, proposals for changes in policies or activities to alleviate any unnecessary adverse effects to minority small business.

7. The [department of economic development] **office of administration** shall furnish administrative support and staff for the effective operation of the commission.

207.060. 1. The director of **the family [services shall] support division** may establish a county office in every county, which may be in the charge of a county welfare director who shall have been a resident of the state of Missouri for a period of at least two years immediately prior to taking office and whose salary shall be paid from funds appropriated for the **family support** division [of family services].

2. For the purpose of establishing and maintaining county offices, or carrying out any of the duties of the **family support** division [of family services], the director [of family services] may enter into agreements with any political subdivision of this state, and as a part of such agreement, may accept moneys, services, or quarters as a contribution toward the support and maintenance of such county offices. Any funds so received shall be payable to the director of revenue and deposited in the proper special account in the state treasury, and become and be a part of state funds appropriated for the use of the **family support** division [of family services].

3. Other employees in the county offices shall be employed with due regard to the population of the county, existing conditions and purpose to be accomplished. Such employees shall be paid as are other employees of the **family support** division [of family services].

302.137. 1. There is hereby created in the state treasury for use by the [department of public safety] **highways and transportation commission** a fund to be known as the "Motorcycle Safety Trust Fund". All judgments collected pursuant to this section, appropriations of the general assembly, federal grants, private donations and any other moneys designated for the motorcycle safety education program established pursuant to sections 302.133 to 302.138 shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general assembly [to the department of public safety], be received and expended by the [department of public safety] **highways and transportation commission** for the purpose of funding the motorcycle safety education program established under sections 302.133 to 302.138. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any unexpended balance in the motorcycle safety trust fund at the end of any biennium shall not be transferred to the general revenue fund.

2. In all criminal cases, including violations of any county ordinance or any violation of

criminal or traffic laws of this state, including an infraction, there shall be assessed as costs a surcharge in the amount of one dollar. No such surcharge shall be collected in any proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality.

3. Such surcharge shall be collected and distributed by the clerk of the court as provided in sections 488.010 to 488.020, RSMo. The surcharge collected pursuant to this section shall be paid to the state treasury to the credit of the motorcycle safety trust fund established in this section.

650.005. 1. There is hereby created a "Department of Public Safety" in charge of a director appointed by the governor with the advice and consent of the senate. The department's role will be to provide overall coordination in the state's public safety and law enforcement program, to provide channels of coordination with local and federal agencies in regard to public safety, law enforcement and with all correctional and judicial agencies in regard to matters pertaining to its responsibilities as they may interrelate with the other agencies or offices of state, local or federal governments.

2. All the powers, duties and functions of the state highway patrol, chapter 43, RSMo, and others, are transferred by type II transfer to the department of public safety. The governor by and with the advice and consent of the senate shall appoint the superintendent of the patrol. With the exception of sections 43.100 to 43.120, RSMo, relating to financial procedures, the director of public safety shall succeed the state highways and transportation commission in approving actions of the superintendent and related matters as provided in chapter 43, RSMo. Uniformed members of the patrol shall be selected in the manner provided by law and shall receive the compensation provided by law. Nothing in the Reorganization Act of 1974, however, shall be interpreted to affect the funding of appropriations or the operation of chapter 104, RSMo, relating to retirement system coverage or section 226.160, RSMo, relating to workers' compensation for members of the patrol.

3. All the powers, duties and functions of the supervisor of liquor control, chapters 311 and 312, RSMo, and others, are transferred by type II transfer to the department of public safety. The supervisor shall be nominated by the department director and appointed by the governor with the advice and consent of the senate. The supervisor shall appoint such agents, assistants, deputies and inspectors as limited by appropriations. All employees shall have the qualifications provided by law and may be removed by the supervisor or director of the department as provided in section 311.670, RSMo.

4. [The director of public safety, superintendent of the highway patrol and transportation division of the department of economic development are to examine the motor carrier inspection laws and practices in Missouri to determine how best to enforce the laws with a minimum of duplication, harassment of carriers and to improve the effectiveness of supervision of weight and

safety requirements and to report to the governor and general assembly by January 1, 1975, on their findings and on any actions taken.

5.] The **functions of the** Missouri division of highway safety [is], **including administration of the motor safety trust fund, are** transferred by type I transfer [to] **from** the department of public safety **to the highways and transportation commission**. The division shall be in charge of a director who shall be appointed by the director of the department **of transportation**.

[6.] 5. All the powers, duties and functions of the safety and fire prevention bureau of the department of public health and welfare are transferred by type I transfer to the director of public safety.

[7.] 6. All the powers, duties and functions of the state fire marshal, chapter 320, RSMo, and others, are transferred to the department of public safety by a type I transfer.

[8.] 7. All the powers, duties and functions of the law enforcement assistance council administering federal grants, planning and the like relating to Public Laws 90-351, 90-445 and related acts of Congress are transferred by type I transfer to the director of public safety. The director of public safety shall appoint such advisory bodies as are required by federal laws or regulations. The council is abolished.

[9.] 8. The director of public safety shall promulgate motor vehicle regulations and be ex officio a member of the safety compact commission in place of the director of revenue and all powers, duties and functions relating to chapter 307, RSMo, are transferred by type I transfer to the director of public safety.

[10.] 9. The office of adjutant general and the state militia are assigned to the department of public safety; provided, however, nothing herein shall be construed to interfere with the powers and duties of the governor as provided in article IV, section 6 of the Constitution of the state of Missouri or chapter 41, RSMo.

[11.] 10. All the powers, duties and functions of the Missouri boat commission, chapter 306, RSMo, and others, are transferred by type I transfer to the "Missouri State Water Patrol", which is hereby created, in the department of public safety. The Missouri boat commission and the office of secretary to the commission are abolished. The Missouri state water patrol shall be headed by a boat commissioner who shall be appointed by the governor, with the advice and consent of the senate. All deputy boat commissioners and all other employees of the commission who were employed on February 1, 1974, shall be transferred to the water patrol and they shall be immediately covered by the provisions of chapter 36, RSMo, without further qualification. All deputy boat commissioners and others employed by the water patrol after May 2, 1974, shall be selected and removed pursuant to the provisions of chapter 36, RSMo.

[12.] 11. The division of veterans affairs, chapter 42, RSMo, is assigned to the office of adjutant general. The adjutant general, with the advice of the veterans' board, shall appoint the

director of the division of veterans affairs who shall serve at the pleasure of the adjutant general.

[13.] 12. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority of this chapter, shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1999. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void, except that nothing in this section shall affect the validity of any rule adopted and promulgated prior to August 28, 1999.

660.010. 1. There is hereby created a "Department of Social Services" in charge of a director appointed by the governor, by and with the advice and consent of the senate. All the powers, duties and functions of the director of the department of public health and welfare, chapters 191 and 192, RSMo and others, not previously reassigned by executive reorganization plan number 2 of 1973 as submitted by the governor under chapter 26, RSMo, except those assigned to the department of mental health, are transferred by type I transfer to the director of the department of social services and the office of the director, department of public health and welfare is abolished. The department of public health and welfare is abolished. All employees of the department of social services shall be covered by the provisions of chapter 36, RSMo, except the director of the department and his secretary, all division directors and their secretaries, and no more than three additional positions in each division which may be designated by the division director.

2. It is the intent of the general assembly in establishing the department of social services, as provided herein, to authorize the director of the department to coordinate the state's programs devoted to those unable to provide for themselves and for the rehabilitation of victims of social disadvantage. The director shall use the resources provided to the department to provide comprehensive programs and leadership striking at the roots of dependency, disability and abuse of society's rules with the purpose of improving service and economical operations. The department is directed to take all steps possible to consolidate and coordinate the field operations of the department to maximize service to the citizens of the state.

3. [All the powers, duties and functions of the division of welfare, chapters 205, 207, 208, 209, and 210, RSMo, and others, are transferred by type I transfer to the "Division of Family Services" which is hereby created in the department of social services. The director of the division shall be appointed by the director of the department. All references to the division of welfare shall hereafter be construed to mean the division of family services of the department of social services.] **There is hereby established within the department of social services, the**

family support division. This division shall be responsible for those functions previously assigned to the division of child support enforcement not otherwise transferred in this reorganization, and the public assistance functions of the division of family services not otherwise transferred in this reorganization, including rehabilitation services for the blind. All authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the division of child support enforcement not otherwise transferred in this reorganization, are hereby transferred, by type I transfer as defined in the omnibus state reorganization act of 1974, to the family support division.

4. There is hereby established within the department of social services, the children's division. This division shall be responsible for matters relating to the welfare of children, including child protection, early childhood, and child care assistance. All authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the division of family services related to welfare of children, including child protection, early childhood, and child care assistance, are hereby transferred, by type I transfer as defined in the omnibus state reorganization act of 1974, to the children's division.

5. Notwithstanding any provision of law to the contrary, the assessment of skills, prior work experience, and employability of each recipient of temporary assistance, along with job training responsibilities, of the division of family services are hereby transferred to the department of economic development, division of workforce development, by type I transfer as defined by the omnibus state reorganization act of 1974. All authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the division of family services related to work-readiness are transferred to the department of economic development.

[4.] 6. All the powers, duties and functions of the board of nursing home administrators, chapter 344, RSMo, are transferred by type I transfer to the department of social services. The public members of the board shall be appointed by the director of the department.

[5.] 7. The state's responsibility under public law 452 of the eighty-eighth Congress and others, pertaining to the Office of Economic Opportunity, is transferred by type I transfer to the department of social services.

[6.] 8. The state's responsibility under public law 73, Older Americans Act of 1965, of the eighty-ninth Congress is transferred by type I transfer to the department of social services.

[7.] 9. All the powers, duties and functions vested by law in the curators of the University of Missouri relating to crippled children's services, chapter 201, RSMo, are transferred by type I transfer to the department of social services.

[8.] 10. All the powers, duties and functions vested in the state board of training schools, chapter 219, RSMo, and others, are transferred by type I transfer to the "Division of Youth Services" hereby authorized in the department of social services headed by a director appointed by the director of the department. The state board of training schools shall be reconstituted as an advisory board on youth services, appointed by the director of the department. The advisory board shall visit each facility of the division as often as possible, shall file a written report with the director of the department and the governor on conditions they observed relating to the care and rehabilitative efforts in behalf of children assigned to the facility, the security of the facility and any other matters pertinent in their judgment. Copies of these reports shall be filed with the legislative library. Members of the advisory board shall receive reimbursement for their expenses and twenty-five dollars a day for each day they engage in official business relating to their duties. The members of the board shall be provided with identification means by the director of the division permitting immediate access to all facilities enabling them to make unannounced entrance to facilities they wish to inspect.

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